

No. 1073-4Lab-76/5193.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Globe Metal Industries, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 38 of 1975

between

SHRI RAJ PAUL WORKMAN AND THE MANAGEMENT OF M/S GLOBE METAL INDUSTRIES, JAGADHRI

AWARD

By order No. ID/AMB/286-B-75/31597, dated 3rd June, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Globe Metal Industries, Jagadhri and its workman Shri Raj Paul to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Raj Paul was justified and in order? If not, to what relief is he entitled?

The parties appeared in this court in response to the usual notice of reference sent to them and filed their pleadings.

The case was fixed for 14th January, 1976 for filing of the rejoinder of the workman when the parties wanted an adjournment for settling their dispute amicably. The case was accordingly adjourned to 15th January, 1976 when Shri Madhu Sudan Saran Cowshish authorised representative for the workman made a statement that the workman had received a sum of Rs. 500/- in full and final settlement of all his claim stated in the notice of demands leading to this reference.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Dated 20th January, 1976.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1575-4Lab-76/5195.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Inspi Auto Industries, (P) Ltd. 14/6, Mathura Road, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 133 of 1972

between

SHRI BODLA WORKMAN AND THE MANAGEMENT OF M/S. INSPI AUTO INDUSTRIES,
(P) LTD., 14/6, MATHURA ROAD FARIDABAD

AWARD

By order No. ID/FD/72/11401, dated 3rd April, 1972, the Governor of Haryana, referred the following dispute between the management of M/s Inspi Auto Industries (P) Ltd., 14/6, Mathura Road, Faridabad and its workman Shri Bodla to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Bodla was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court and filed their pleadings.

Whereas the workman alleged, — *vide* claim statement filed by him that his services had been terminated by the management without assigning any reason and without enquiry. The management pleaded that he tendered his resignation on 21st December, 1971 requesting them to relieve him on 22nd January, 1972 and that this resignation was duly accepted the same day and the order of acceptance was conveyed to him, — *vide* letter dated 21st December, 1972.

The following issues were thus framed on pleas of the the parties:—*vide* order dated 21st August, 1974 of Shri O. P. Sharma, my learned predecessor, the then Presiding Officer of the Labour Court.

- (1) Whether Shri Bodla workman concerned submitted his resignation on 21st December, 1971 and the same was accepted by the management ? (on management).
- (2) If issue No. 1 is not proved, whether the termination of services of Shri Bodla was justified and in order ? If not, to what relief is he entitled ?

I have heard the parties and seen the record. I decide the issues as under :—

Issues No. 1.

The management brought on record the original resignation Ex. M-1 and an order of its acceptance mark 'B' made thereupon besides a letter Ex. M-2 dated 21st December, 1971 sent to the workman conveying him the acceptance of the resignation and telling him to collect his dues. This letter purported to bear the signature of Shri Bodla in token of receipt of its copies. The management examined Shri S. S. Chadha M. W. 1 who deposed that the workman Shri Bodla personally submitted his resignation M-1 to him and that he took the resignation to the production engineer who accepted it, — *vide* order mark 'B' made by him in his own hand writing. He added that he handed over a copy of the letter Ex. M-2 to the workman thus conveying him the order of the acceptance of the resignation and obtained his signatures at mark 'A' on Ex. M-2 in token of his having received the copy. A suggestion made to this witness in cross examination that the workman was forced to submit his resignation was denied. The witness admitted that the workman was once charged for having refused to do the job entrusted to him prior to his submitting the resignation.

The workman appeared as his own witness and failed either to admit or deny his signatures on the resignation Ex. M-1. It was only in cross examination that he denied his signatures on the resignation Ex. M-1. The failure of the workman to deny his signatures on the resignation Ex. M-1 in examination-in-chief led to a conclusion of the falsity of his case and an inference that he did not clear to do so. He admitted his signatures on the demand notice Ex. M-3 and an application Ex. M-4 and notice of demands Ex. M-5 and when all these signatures compared with the disputed signatures appearing on the resignation Ex. M-1 appear to be of one and the same person. The suggestion made by the workman in cross examination of Shri S. S. Chadha that he was forced to submit his resignation also lent support to the conclusion, that the signatures appearing on the resignation Ex. M-1 at mark 'A' are that of the workman Bodla himself.

I thus for the reasons aforesaid rely on the statement of Shri S. S. Chadha and the documents brought on record by the management and disbelieve that of the workman and hold that the later submitted the resignation Ex. M-1 voluntarily and that it was duly accepted the same day and the order of its acceptance was also conveyed to him on 21st December, 1971. I decide this issue accordingly in favour of the management.

Issue No. 2.

In view of my findings on issue No. 1, it is manifest that the workman gave up his job of his own accord and that his services were not terminated by the management. I decide this issue accordingly.

The result is that the workman is not entitled to any relief. I thus answer the reference while returning the award in terms of my findings made above.

Dated 3rd February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.